

1                                   **POLITICAL ACTIVITIES OF PUBLIC ENTITIES**

2   **AMENDMENTS**

3   2017 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Brad M. Daw**

6   Senate Sponsor: \_\_\_\_\_

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8                                   **LONG TITLE**

9                                   **Committee Note:**

10                                   The Government Operations Interim Committee recommended this bill.

11                                   **General Description:**

12                                   This bill amends provisions relating to political activities of a public entity.

13                                   **Highlighted Provisions:**

14                                   This bill:

- 15                                   ▶ prohibits a person from using the email of a public entity or, subject to certain  
16 exceptions, certain media owned or managed by a public entity for a political  
17 purpose;
- 18                                   ▶ expands the definition of a political purpose in relation to a petition for a ballot  
19 proposition;
- 20                                   ▶ provides for the appeal of a fine imposed under this bill; and
- 21                                   ▶ makes technical and conforming changes.

22                                   **Money Appropriated in this Bill:**

23                                   None

24                                   **Other Special Clauses:**

25                                   None

26                                   **Utah Code Sections Affected:**

27                                   AMENDS:



28 **20A-11-1205**, as enacted by Laws of Utah 2015, Chapter 435



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **20A-11-1205** is amended to read:

32 **20A-11-1205. Use of public email or other media for a political purpose.**

33 (1) As used in this section, "political purpose" means an act done with the intent or in a  
34 way to:

35 (a) influence or tend to influence, directly or indirectly, any person to refrain from  
36 voting or to vote for or against any:

37 (i) candidate or a person seeking a municipal or county office at any caucus, political  
38 convention, or election; or

39 (ii) judge standing for retention at any election; or

40 (b) advocate for or against a ballot proposition or a petition for a ballot proposition.

41 ~~[(1)] (2) Except as provided in Subsection [(5)] (6), a person may not [send an email~~  
42 ~~using the email of a public entity, for a political purpose or to advocate for or against a ballot~~  
43 ~~proposition.] do any of the following for a political purpose:~~

44 (a) send an email using the email of a public entity; or

45 (b) post to social media using a social media account owned or managed by a public  
46 entity.

47 ~~[(2)] (3) The applicable election officer shall impose a civil fine against a person who~~  
48 ~~violates Subsection [(1)] (2) as follows:~~

49 (a) up to \$250 for a first violation; and

50 (b) except as provided in Subsection [(3)] (4), for each subsequent violation committed  
51 after any applicable election officer imposes a fine against the person for a first violation,  
52 \$1,000 multiplied by the number of violations committed by the person.

53 ~~[(3)] (4) The applicable election officer shall consider a violation of this section as a~~  
54 ~~first violation if the violation is committed more than seven years after the day on which the~~  
55 ~~person last committed a violation of this section.~~

56 ~~[(4)] (5) For purposes of an email sent in violation of this section, one violation means~~  
57 ~~one act of sending an email, regardless of the number of recipients of the email.~~

58 ~~[(5)] (6) (a) A person does not violate this section if the [lieutenant governor] election~~

59 officer finds that the email described in Subsection [~~(1)~~] (2) was inadvertently sent, as a reply  
60 to an email received by the person described in Subsection [~~(1)~~] (2), using the email of a public  
61 entity.

62 (b) Subsection (2) does not prohibit a person from, for a political purpose, responding  
63 to a post originating from a social media account owned or managed by a public entity, if the  
64 person responds using an account other than an account owned or managed by a public entity.

65 (7) (a) A person against whom an election officer imposes a fine under this section  
66 shall pay the fine no later than 30 days after the day on which the election officer imposes the  
67 fine.

68 (b) A person against whom an election officer imposes a fine under this section may  
69 appeal the fine in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

70 [~~(6)~~] (8) A violation of this section does not invalidate an otherwise valid election.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**